COMMONWEALTH OF MASSACHUSETTS
State Building Code Appeals Board
Board's Ruling on Appeal[1]

Docket No. 08-585

Appellant(s): James Owens   vz.   Appellee(s):   City/Town of Andover
                                                               Kaija Gilmore

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant requested that the Board grant him a variance from 780 CMR 1010.0 paragraph, 1010.3 of the Massachusetts State Building Code (MSBC) for 176 River Rd, Andover, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.;* and 780 CMR 122.3.4, the Board convened a public hearing on June 24, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.
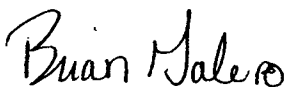
The Appellant appeared for the hearing *pro se*. Present and representing the municipal Building Department was Kaija Gilmore.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 1010.0 of the MSBC based upon the fact that the building and fire officials have no objections to the granting of this variance. In addition, the Appellant has agreed that the variance is contingent on the fact that there is a full monitored sprinkler system and the stairway remains 2-hour rated. The motion carried 3-0.

Conclusion

The Appellant's request for a variance from 780 CMR 1014.11 is hereby granted and so ordered[2] **on this date: June 24, 2008.**

Brian Gale	Alexander MacLeod	Jacob Nunnemacher